

REMARKS

Claims 1-10, 14-18, 25-29, 32-37, 41-44, 46, and 48-56 are pending. Claim 1 has been amended to include the recitation of claim 50, which has been canceled. Claims 49 and 51 also have been canceled. Claim 9 has been placed in independent form, and the dependency of claim 54 has been corrected. Claims 57-59 have been added, as supported by page 7, lines 13-19. Claims 60-63 have been added as supported by the pending claims. Following entry of the amendments, claims 1-10, 14-18, 25-29, 32-37, 41-44, 46, and 48-63 will be pending.

Applicant respectfully requests that the foregoing amendments be made prior to further examination of the present application, and respectfully requests reconsideration of the present application in view of the foregoing amendments and the reasons that follow. This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, along with appropriate defined status identifiers.

Claims 1-3, 5, 8-10, 15-18, 25, 26, 32, 33, 37, 41-43, 46, 48, 54 and 55 are rejected under Section 102(e) based on US 2001/0018041. The examiner urges that the cited document discloses single treatment dosages with radiolabeled anti-CD20 antibodies. Claim 1 has been amended to incorporate the recitation of claim 50, which is not included in this ground of rejection. Therefore the rejection has been obviated.

Claims 1-3, 5-10, 14-18, 25-29, 32-37, 41-44, 46, 48, 50, and 52-56 are rejected under Section 103(1) based on US 2001/0018041 in view of Brozek *et al.*, US 2002/00945542, Rybak *et al.*, and Halliwell. The examiner relies upon Brozek as teaching that anti-MHC class II antibodies have been used to treat autoimmune diseases and that autoantibodies that bind HLA-DR inhibit rheumatoid factor production in peripheral blood mononuclear cells from rheumatoid arthritis patients. The first sentence of Brozek says that anti-MHC class II antibodies have been used to treat autoimmune disease. "Anti-MHC class II antibodies" encompass more than anti-HLA-DR antibodies; it encompasses anti-DR, anti-DQ and anti-DP antibodies. The rest of the Brozek abstract highlights that there are differences between anti-DR and anti-DQ antibodies with respect to RA in humans. Given this teaching, it cannot be taken from Brozek that any anti-MHC class II antibody will be effective to treat a B-cell disorder in animals. A statement about anti-MHC class II in animals does not equate to a teaching of anti-DR in animals, since Brozek makes it clear that members of the genus of anti-MHC class II antibodies behave differently in humans. Furthermore, there is nothing in the Brozek abstract to teach the skilled artisan that anti-DR antibodies in particular (as opposed to other anti-MHC class II antibodies) might be useful in treating a B-cell disorder in animals.

While no *prima facie* case of obviousness exists with respect to any of the pending claims, applicant would particularly direct the examiner's attention to claims 9 (now in independent form), 54, 57-59, 62 and 63 which recite the treatment of malignancies, and more particularly B-cell lymphomas and leukemias.

According to the examiner, "all publications set forth treatment of B cell malignancies targeting the cancer antigens, see all documents in their entireties." This is certainly not the case. As noted by the examiner, "Halliwell teaches autoimmune diseases of domestic animals," and Brozek "teaches...treatment of autoimmune diseases." This is significant, in that the document relied upon as teaching the use the HLA-DR antibody (Brozek) does so only in the context of autoimmune disease. Accordingly, there is no teaching in the record of using anti-HLA-DR antibodies to treat malignancies in animals and, more particularly, to treat B-cell and T-cell leukemias and lymphomas.

If there are any problems with this response, or if the examiner believes that a telephone interview would advance the prosecution of the present application, Applicant's attorney would appreciate a telephone call. In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

MAY 11, 2009

DATE

/BARBARA A. McDOWELL/
BARBARA A. McDOWELL
REG. NO. 31,640

20609 GORDON PARK SQUARE, SUITE 150
ASHBURN, VA 20147
703-726-6020 (PHONE)
703-726-6024 (FAX)